

AMENDMENTS TO THE DRAWINGS:

The attached two (2) sheets of drawings include changes to Figs. 1-3. These two sheets, which include Figs. 1-3, replace the original two sheets including Figs. 1-3. In Figs. 1-3, descriptive labels for the illustrated components have been provided.

Attachments: two (2) replacement sheets.

REMARKS

I. Introduction

Claims 1-10 are currently pending in the present application. Claim 1 has been amended. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received from the International Bureau.

In response to the Examiner's drawing objection, Applicant has provided replacement drawing sheets containing amended figures with descriptive legends for the illustrated components.

II. Rejection of Claims 1-3 and 5-10 under 35 U.S.C. § 103(a)

Claims 1-3 and 5-10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,291,905 ("Drummond") and Published U.S. Patent Application No. 2003/0100980 A1 ("Gruenewald"). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art."

(See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended independent claim 1 recites, in relevant parts, “a connecting device **arranged for selective connection between the CAN receiving line and the asynchronous serial interface receiving line, and arranged for selective connection between the CAN transmitting line and the asynchronous serial interface transmitting line** for providing a symmetrical data exchange with the microcontroller **via the asynchronous serial interface unit**, the CAN driver device, and the plurality of external CAN ports.” In support of the rejection of claim 1, the Examiner contends that the above-recited claimed feature of “a connecting device” is taught by Fig. 1 (element 105) and paragraphs [0025] – [0028] of Gruenewald, and the Examiner further contends that it would have been obvious to “implement the connecting device (Fig. 1, 105) of Gruenewald into the CAN node (Fig. 3, 40) of Drummond such that data rates many times higher than those of conventional serial interface drivers is achieve.” (Office Action, p. 5). Applicant respectfully submits that the Examiner’s assertions are simply not supported by the actual teachings of the applied references, as explained in detail below.

As clearly shown in Fig. 1 of Gruenewald, two communication lines TX and RX are switched by the switching device 105 such that each line is selectively connected to element 108 (via communication line TX1, RX1) or element 107 (via communication line TX0, RX0). However, regardless of the switch position, the switching device 105 only achieves a linear path for the same type of communication line, e.g., RX to RX0, RX to RX1, TX to TX0, or TX to TX1. Furthermore, the Examiner contends the following: a) RX0 of Gruenewald is “an asynchronous serial interface receiving line”; b) TX0 is “an asynchronous serial interface transmitting line”; c) RX1 is “a CAN receiving line”; and d) TX1 is “a CAN transmitting line.” Using the interpretation asserted by the Examiner, it is quite clear that the switching device 105 provides absolutely no arrangement for selective connection between the CAN receiving line (RX1) and the asynchronous serial interface receiving line (RX0), as well as no arrangement for selective connection between the CAN transmitting line (TX1) and the asynchronous serial interface transmitting line (TX0). Furthermore, using the interpretation asserted by the Examiner, Gruenewald clearly does not teach or suggest “**connecting the transmission and receiving lines of a serial/programming interface [TX1, RX1 of 108] with the transmission and receiving lines of a higher speed CAN controller**

[TX0, RX0 of 107],” as asserted by the Examiner on page 4 of the Office Action.

Accordingly, even if there were some motivation to combine the teachings of Gruenewald and Drummond (which is not the case, as explained below), the resulting combination would not teach or suggest “a connecting device arranged for selective connection between the CAN receiving line and the asynchronous serial interface receiving line, and arranged for selective connection between the CAN transmitting line and the asynchronous serial interface transmitting line for providing a symmetrical data exchange with the microcontroller via the asynchronous serial interface unit, the CAN driver device, and the plurality of external CAN ports,” as recited in amended claim 1.

Independent of the above, Applicant notes that there is simply no logical motivation for making the asserted combination of the switching device of Gruenewald into the CAN node of Drummond. First, the switch 105 of Gruenewald provides a switching of two-wire lines between a communication element 107 and a programming element 108, thereby allowing a single interface unit to interface with two different elements, which in turn leads to “avoiding the added expense of providing additional components.” (Gruenewald, paragraph [0017]). The idea of providing a switch for switching a connection of a two-wire CAN communication line between one of two different elements (e.g., between CAN I/F 23 and M/S I/F 25 shown in Fig. 3 of Drummond) does not make any sense, since elements 23 and 25 are direct interfaces for the respective functionalities, and providing a switch between the two interfaces 23 and 25 would serve no purpose, other than simply adding more components. In addition, as noted above, Gruenewald does not actually teach anything even remotely relating to “connecting the transmission and receiving lines of a serial/programming interface [TX1, RX1 of 108] with the transmission and receiving lines of a higher speed CAN controller [TX0, RX0 of 107].” For at least these reasons, there is no suggestion in the overall teachings of Drummond and Gruenewald to make the asserted modification in an attempt to arrive at the claimed invention.

In view of the foregoing, Applicant respectfully submits that the combination of Drummond and Gruenewald fails to render obvious claim 1 and its dependent claims 2-3 and 5-10. Withdrawal of the obviousness rejection of claims 1-3 and 5-10 is respectfully requested.

III. Rejection of Claim 4 under 35 U.S.C. § 103(a)

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,291,905 (“Drummond”), Published U.S. Patent Application No. 2003/0100980 A1 (“Gruenewald”), and U.S. Patent No. 6,659,512 (“Harper”). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).


Claim 4 depends on claim 1. As discussed above, the combination of Drummond and Gruenewald does not render parent claim 1 obvious. In addition, Harper fails to remedy the deficiencies of the combination of Drummond and Gruenewald as applied against parent claim 1. Accordingly, the combination of Drummond, Gruenewald and Harper fails to render dependent claim 4 obvious.

In view of the foregoing, withdrawal of the obviousness rejection of claim 4 is requested.

IV. **Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims under consideration are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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